



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1474

Released: September 11, 2012

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PACIFICORP REQUEST FOR WAIVER OF THE JANUARY 1, 2013 VHF-UHF NARROWBANDING DEADLINE

WT Docket 99-87

Comment Date: September 21, 2012

Reply Comment Date: September 28, 2012

By this *Public Notice*, comment is sought on the request, filed on August 31, 2012,¹ of PacifiCorp for a temporary waiver of the Commission's VHF-UHF narrowbanding deadline, which requires private land mobile radio (PLMR) licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.² PacifiCorp seeks a 10-month extension of the deadline, until October 31, 2013, for sixty-two PLMR stations.³

PacifiCorp provides electric service to approximately 1.7 million customers in a service territory of more than 165,000 square miles in portions of Utah, Oregon, Wyoming, Washington, Idaho, and California. Its current system consists of approximately 3,000 mobile and portable radios served from 165 communication sites. In conjunction with modifying its facilities to meet the narrowbanding standard, PacifiCorp plans to upgrade its PLMR system onto a common VHF trunked radio system platform with improved spectrum efficiency and service features. Because it is migrating almost all of its system to Part 22 and Part 80 spectrum, it anticipates being able to relinquish a substantial number of its current Part 90 VHF frequencies once the migration is complete.

¹ See Request for Extension of Narrowbanding Deadline (filed Aug. 31, 2012); Letter dated Sept. 4, 2012 from Jeffrey L. Sheldon, counsel for PacifiCorp to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

² See 47 C.F.R. § 90.209(b)(5); *see also* Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004). On April 26, 2012, the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology waived the January 1, 2013 narrowbanding deadline for 470-512 MHz band frequencies. *See* Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Order*, WT Docket No. 99-87, RM-9332, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012).

³ The call signs for which PacifiCorp requests a waiver are listed in the Attachment to this *Public Notice*.

PacifiCorp has been working since 2003 and allotted all the necessary funding to meet the narrowbanding deadline. It has already placed all switching infrastructure for the new system in service, and replaced all mobile and portable radios with narrowband-capable models. Approximately 80 percent of the new units are currently operating in narrowband mode. As of August 31, 2012, PacifiCorp has converted 46 of its 75 electric operating areas to narrowband-compliant service. The remaining 29 operating areas are scheduled for conversion by December 2012. So far, PacifiCorp has converted 131 out of 165 base station sites to narrowband, with only 34 sites remaining to be converted.

Due to climate and geography in the Pacific Northwest, however, PacifiCorp can safely and reasonably conduct all construction work at its higher elevation sites only the April through October timeframe. While PacifiCorp's work schedule is still targeting the conversion to narrowbanding to be completed on time, it is concerned that contingencies outside its control, such as delays in obtaining site leases and government land permits, could cause elements of the project to be delayed into 2013. Consequently, PacifiCorp seeks a waiver of the narrowbanding deadline out of an abundance of caution.

We seek comments evaluating the waiver request in light of the July 13, 2011 *Public Notice* providing guidance on the submission of requests for waiver of the narrowband deadline.⁴ In particular, we seek comment from parties whose operations could be impacted by grant of the waiver.

Procedural Matters

Comments are due **no later than September 21, 2012**. Reply comments are due **no later September 28, 2012**. All filings should reference the docket number of this proceeding, WT 99-87.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

The waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>, under the call signs listed in the Attachment. The request, and comments and reply comments filed in response to this *Public Notice*, will be available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W.,

⁴ See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminders of the January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (WTB/PSHSB/OET 2011); *see also* Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline, *Public Notice*, 27 FCC Rcd 1936 (WTB/PSHSB 2012).

⁵ See 47 C.F.R. §§ 1.1200(a), 1.1206.

Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 99-87. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Comments may be filed using the ECFS or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-All hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Ms. Stana Kimball of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-1306, or via e-mail at Stanislava.Kimball@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

- FCC -

ATTACHMENT

CALL SIGNS FOR WHICH WAIVER OF SECTION 90.209(B) IS REQUESTED

* Denotes mobile-only license

KA3274 *	KOL422
KA3339 *	KOL569
KDS448	KOM980
KFS283	KRU227
KFS675	WCQ918
KGR928	WCQ919
KIA403	WCT853
KKK857	WCT854
KMB290	WGN671
KMC907	WGN672
KNBW267	WNAZ798
KNBY998	WNBK645
KNDY726	WNJC203
KNGY563	WNJX893
KNHM272	WNKH495
KNIR653	WNKJ602
KNIR657	WNKJ920
KNIR661	WNKK332
KNIR744	WNLG735
KOA390	WNVK327
KOA415	WNXJ563 *
KOB656	WNXV973 *
KOB761	WPAM854
KOB762	WPDH703
KOB819	WPDY677
KOB830	WPEH447
KOC478	WPGJ511
KOC479	WPHB759
KOC480	WPHU883
KOE348	WQX764
KOK356	WZX245